As the Department of Health continues to press for further reforms of the Agenda for Change (AfC) contract the RCN is stepping up efforts to demonstrate that nursing staff in the NHS deserve a pay rise.

Last month the RCN asked members to provide more evidence to support an increase in pay and activists are now being urged to tell employers why a rise is justified. “We’ve presented evidence that shows nursing staff should get a pay uplift, but as we enter into the negotiating stage, let’s show the employers that we mean business,” said RCN Chief Executive & General Secretary Dr Peter Carter. “A pay rise is affordable. The Treasury has already confirmed there’s enough money in the budget to give nursing staff a one per cent pay increase.”

In its evidence to the pay review body, the Department of Health argued: “The one per cent that the Government has made available for pay, in the spending round, would, in our view, be best deployed in supporting the modernisation of national pay frameworks.” There is also a push to reduce unsocial hours payments for nursing staff to free up resources to pay other staff groups to work seven days a week.

Dr Carter has encouraged activists to share local experiences. “Ask your employer why they can’t afford to pay you and your colleagues the one per cent you deserve,” he said. “Ask them if they have read our evidence – give them a copy if they haven’t. Then tell us what they say.”

Email frontline.first@rcn.org.uk
As we welcome a new team to the RCN Council top table, Michael Brown, the new Chair of Council, looks ahead to his work and how he will engage with members (page 4).

Read all about the latest updates to the case management system on page 3. On page 5 see what Chris Cox, RCN Director of Legal Services, says about the recent case law surrounding suitable alternative employment following a reorganisation of services.

On page 6 we look at how confident negotiators can secure a better working life for members and we discuss the importance of employers recognising the benefits of giving you facilities time on page 7.

RCN members have passed a resolution authorising RCN Council to set subscription fees for the next five years in an important vote at last month’s annual general meeting (AGM).

However, safeguards have been put in place and Council has committed to ensuring subscription rates will not increase by more than four per cent each year in this challenging financial climate.

The new chair of RCN Council, Michael Brown, has welcomed the result and said he was pleased that members had voted in favour of the resolution allowing RCN Council to provide safe stewardship of subscription rates. “This is an important decision which will enable the RCN to safeguard investment in its services for members,” he added.

RCN Council will now be able to set a broad five-year financial strategy which will take into account the pressures on members and the cost of RCN services such as legal representation, professional training, and workplace support. “With longer-term planning, it will be easier for us to ensure value for money for our members,” said RCN Chief Executive & General Secretary Dr Peter Carter.

Dora Frost MBE, the RCN’s first ever accredited steward, Council member and a former deputy president, died last month. Dora was active in the RCN from the 1950s onwards and played a prominent role in pay campaigns of the 1960s and 1970s and in the move to secure trade union status for the College in 1976. She worked tirelessly on behalf of members in her Bath branch and at national level. She is remembered as a charismatic conference speaker and feisty campaigner. Dora was awarded the RCN Award of Merit in 1999.

The RCN was represented at her funeral which took place at Wick Tabernacle United Reformed Church, where she was a minister for 20 years after she retired from nursing and RCN activity.

Members are encouraged to submit their memories of Dora to bulletin@rcn.org.uk
Reps’ feedback improves case management

Improvements have been made to the RCN case management system as a result of feedback from representatives. The work is part of a continuing project that will also see the introduction of a new operational policy.

It is hoped this will result in more stringent supervision and better support for RCN representatives.

“Tough times

I’m really pleased with the changes and would like to thank all the representatives who made suggestions either during their portal training or since they have been actively using the system to manage their cases,” said Maria Webb, case management project lead.

Look out for more information on the project developments in a forthcoming issue of Activate.

What’s new?

- Increased font size on all documentation printed from the portal.
- Improved functionality to sort data by member surname.
- Ability to attach documents to an A2Z record.
- Ability to attach emails to an A2Z record and attach documents from A2Z to email.
- New save and edit on the action journal and file note entries.
- Ability to delete incorrectly uploaded documents.
- A new ‘chase’ letter for members who fail to engage with the case management process.
- Bespoke information added to the closure letter.
- A new out of office message on email.
- Ability to open and check email attachments before they are sent.
- A new function to rename uploaded documents.
- A function to remove members from a group case but retain a record that they were once part of the case.

Registration problems at the NMC

RCN Direct has received a large number of calls from members who have been advised they have lapsed in their Nursing and Midwifery Council (NMC) registration, despite completing their notification of practice forms and paying for their renewal.

In many cases the NMC says that the forms were not received, even though the payment was processed. Some members have been suspended without pay as a result.

Chris Cox, RCN Director of Legal Services, said: “We’ve contacted the NMC’s registration officer to raise our concerns about the number of cases that have arisen and we want to know why this is happening.”

Activists are asked to advise members to report any problems to RCN Direct (0345 772 6100) as a matter of urgency. Information on notification of practice forms is available on the NMC website. Visit www.nmc-uk.org

Praise for reps

Representatives at Barts Health NHS Trust have been praised for the support they’ve offered members. The trust has been consulting on job cuts since July and has now announced 220 posts will go, with hundreds more down-banded. RCN London Regional Director Bernell Bussue said: “Local representatives have worked extremely hard, together with our regional officers, to support and update members affected by these unjustified and damaging cuts.”

Tough times

RCN President Andrea Spyropoulos and Deputy President Cecilia Anim will travel around the UK to find out more about the daily struggles nursing staff face. Their new project, Nursing in tough times, will see them gather information about the realities facing nursing staff today. “We want to know more about the things that the media don’t report on; nurses having to borrow from loved ones and live each month on a shoe string budget,” said the President. Read more in next month’s RCN Bulletin.

HP Committee

Elections are taking place for a health practitioner member of RCN Council. “Getting health practitioners engaged with the organisation is an important part of the activist role,” said Tanis Hand, RCN Health Care Assistant Adviser. “Please encourage members to vote in the elections for the person who will represent their interests in the College.” Voting closes on 6 December.
Chair of RCN Council Michael Brown looks forward to his new role

I will always do what I believe is in the best interests of members and our patients. My priority will be to continue the work I started as chair to build strong working links between Council, boards and the members on the ground.

RCN Council is 100 per cent behind this and we will be linking with country and regional boards to make this a reality.

I believe the new member consultation process we have rolled out meant that Council really had a clear view of what active members felt about the resolution we put to the annual general meeting (AGM), asking them to authorise Council to set the subscription rate for the coming five years.

We received feedback from all our boards and many branches and forums to the full member consultation we ran ahead of the AGM. This informed the proposal we put to the meeting. It will guide the way we approach future AGMs.

I was particularly heartened by how many of you at our AGM recognised how hard Council and the executive team worked to protect members’ services and meet growing demand. You put your trust in us and I can assure you we will continue to listen to you, engage with you, and do everything we can to keep any future rises to a minimum.

“\textit{We will continue to listen to you}”

References

A colleague is job-hunting and needs a reference. May I provide one?

Most employers place restrictions on who can provide employment references for staff in their workplace. You must therefore check whether you are being asked to provide an employment reference or a character reference. You may face disciplinary action if you provide an employment reference where you are not authorised to do so. Check your employer’s policies.

Character references are an important way for new employers to gather evidence about someone’s integrity, interpersonal skill and ability to work within a team. Most people are happy to provide character references, but a colleague cannot force you to provide one.

If you decide to provide a character reference, you must be open and honest. Consider what your genuine opinion about the individual is and whether this would assist them in their job search.

Visit \texttt{www.rcn.org.uk/advice} (search for ‘references’) to find out more, including other factors to consider and possible outcomes if a reference is seen as negligent or defamatory.

For more information, speak in confidence to an RCN Direct adviser any time between 8.30am and 8.30pm, 365 days per year.

\texttt{RCN DIRECT}

\texttt{www.rcn.org.uk/direct}

\texttt{0345 772 6100}
Together we are stronger

Every activist has their own unique skills and experiences. But by working together we can bring maximum benefits for members.

In my view it doesn't matter whether you are a steward, safety representative, learning representative, branch officer or if you hold another activist role. Each role is important and adds essential knowledge, whether we are representing members, providing advice or campaigning for better working conditions.

In my role as Chair of the UK Stewards Committee I recently attended a joint representatives’ meeting. Stewards, safety representatives and learning representatives from all over the UK met to discuss issues that matter to representatives. Our diverse experiences and skills meant that the debates were lively and we had helpful outcomes. We discussed who should be accountable for approaching and encouraging representatives to stand for seats on the UK representative committees. We also talked about the potential for representatives’ events at Congress and agreed it would be a good idea to have a recruitment stand which would promote the role of RCN activists and how to become one. We hope to run our stand alongside the RCN forums and think this would provide another opportunity to promote joint working. Whether in the committee room or in the workplace, together we are stronger.

Andrew White,
Chair of the UK Stewards Committee

Suitable alternative employment

Following a reorganisation of services, a band 8A community modern matron was placed at risk of redundancy and offered an identically graded modern matron role at a small community hospital.

The nurse rejected the offer because her qualifications and career were, up to that point, based in the community. She had no experience of a hospital environment in the last 20 years and she didn't want to change her role. During the process she was offered a community role in Canada, which she accepted.

The employment tribunal (Devon Primary Care Trust v Readman) concluded that her rejection of the offer of what was clearly ‘suitable alternative employment’ was unreasonable, and therefore she wasn’t entitled to a statutory redundancy payment.

Appeal

However, the Employment Appeal Tribunal (EAT) and Court of Appeal disagreed. Even if the alternative employment was suitable, the tribunal had failed to address the further statutory question of whether her refusal was unreasonable, depending on factors personal to her and judged subjectively from her point of view.

The Court of Appeal considered that the nurse’s desire to take advantage of redundancy rights didn’t necessarily defeat a claim to a redundancy payment. The desire to emigrate may have influenced her decision, but according to the EAT that was not the main reason for her refusal, which was that she had spent many years working in the community and didn't want to work in a hospital. The case was sent back to a tribunal because of the inadequacy of the reasoning.

Chris Cox,
RCN Director of Legal Services
Confident negotiators can secure a better working life for members

“It’s challenging to hold your nerve and ask for something in difficult times,” says Sue Booth, a learning representative at Cheshire and Wirral Partnership NHS Foundation Trust.

Earlier this year Sue led joint union negotiations with her employer and secured the implementation of a learning agreement in her workplace. “I knew I had to be persuasive, persistent and clear about what we were asking for. But once I had the supporting information and rationale, I felt confident.”

It doesn’t matter what representative role you hold, your negotiation skills can be used every time your employer introduces a new policy.

And if, for example, there is a Care Quality Commission report that points to learning and development needs within your organisation, or your employer wants to engage and develop the workforce, you're in a strong negotiating position.

Working together

Negotiating to ensure staff are able to maintain and develop essential work skills is the business of all representatives, and even more so in these times of cutbacks and special measures. The Francis report highlighted the importance of having appropriate numbers of staff with the right knowledge, skills and experience to deliver high quality patient care. And employers know that having appropriately skilled staff can lead to improved morale and improve job performance, which can only benefit patient care. It's the job of all representatives to remind them of this.

Keep learning and development high on the agenda by working together to negotiate a learning agreement. The learning representative may lead the process, but safety representatives and stewards can support the negotiating process through their joint negotiating councils and staff sides. Those working in the independent sector can negotiate directly with employers.

“I had to be persuasive, persistent and clear about what we were asking for”

Effective negotiators discuss issues with the opposing party and reach a mutually satisfactory agreement. Negative strategies, such as undermining the other side or showing a lack of respect, will only reduce your chances of a win-win situation.

“Bargaining is a team issue,” says Pauline Pearsall, Chair of the RCN UK Learning Representatives Committee. “A range of factors, including grievance, capability, health and safety and stress can frequently be improved by access to specific learning and development. This is a powerful argument when you are negotiating with your employer.”

Top tips for negotiations

- Be clear of what you want and why you want it.
- Do your research and know your facts and figures.
- Don’t be afraid to ask for what you know is needed.
- Use negotiation as an opportunity for both sides to question, listen and clarify.
- Know your employers’ needs and aim high.
- Be a persuader: you’ll secure better terms for members when you’re convinced of your own argument.
- Where possible, use joint union negotiations; this makes you more difficult to ignore.
- Say what you feel is needed, ask some probing questions and then be quiet.
- Give the employer time to think.
- Implement and agree a course of action.
Making the case for facilities agreements and facility time

**FEATURE**

Employers must recognise the benefits of giving you facilities time

Helen* is a dedicated and experienced representative, but since August her chief executive has stopped her from carrying out her union work. The RCN has written to her employer but they continue to insist that her duties are suspended, as they claim that they do not have enough staff to cover her role.

“This is an impossible situation,” she says. “I’m aware that staffing is an ongoing problem because many staff are already working extra hours, without pay, and I don’t know when this will change. As employment rights appear to be eroded all over the country I find myself in a position where I can’t carry out any RCN duties. I’m very concerned and I am considering whether or not I should carry on in my role.”

Reps save money

The RCN believes that restricting facilities time harms partnership working between employers, staff and unions. It also costs employers money.

Currently, workplace representatives are entitled to time off from their normal roles for their trade union duties (‘facilities time’). This protected time can be for relevant discussions with the workforce about issues such as workplace changes, member representation, service reorganisation and employment tribunals.

“Employers must remember that local representatives help sort out problems before they become serious. They tackle grievances and disputes at a local level, saving time and money by preventing the need for cases to go to a higher level of management or employment tribunal,” says Rachael McIlroy from the RCN’s employment relations department. “But, due to workplace pressures, duties are often carried out in the representatives’ own time. Curbing facilities time will only damage goodwill.”

Hard-working RCN representatives also save employers money as a result of the more productive, trained workforces they help build. The benefits representatives bring to the workplace are immeasurable and those who combine their responsibilities with their health care role in the organisation bring a unique perspective and expertise. They understand how changes have an impact on staff and the service and enable effective communication with members. “Perhaps now is the time to remind employers this,” adds Rachael.

Intangible benefits

The RCN is determined to highlight the often intangible benefits of trade union recognition. As facility time comes under increasing public and political scrutiny, the attention focuses almost entirely on the costs, but new RCN guidance sets out rebuttals to these challenges. It also looks at the benefits of representatives and facilities agreements. It has been designed to provide you with the information required to make the case for facilities agreements and time.

Download Making the Case for Facilities Agreements and Facility Time from www.rcn.org.uk/publications

*The member’s name has been changed.*
The RCN has received reports that employers across the UK are once again recruiting nursing staff from overseas.

“It’s important to welcome them into membership,” said Andrew Jordan, RCN Immigration Adviser. “We’ve come across too many examples of employers treating overseas staff unfairly and we want to help them avoid this unscrupulous behaviour.”

The RCN has published useful guidance, Internationally Recruited Nurses: Good Practice Guidance for Health Care Employers and RCN Negotiators, available at www.rcn.org.uk/publications. It sets out the key considerations and the RCN principles for ensuring both ethical recruitment and employment of internationally recruited nurses.

“There may be some situations which require expert advice,” said Andrew. “Please don’t hesitate to refer members to the RCN Immigration Advice Service. We provide information, advice, representation and onward referral where appropriate. We can help with many issues, including advice on the points based system, changing or extending visas, European Economic Area national queries or British citizenship.”

Activists should make use of the RCN’s bulk email system when contacting groups of members.

“Not only is the RCN system an efficient way of getting in touch with members, it also provides you with legal protection,” said RCN Information Security and Compliance Manager Idris Evans.

There’s a policy in place to ensure the RCN meets its obligations under the Data Protection Act 1998 and the Privacy of Electronic Communications (EU Directive) Regulations 2003. “This ensures bulk member communications are co-ordinated centrally and limits how many can be sent in a given timeframe,” added Idris.

The communications team in your regional or country office can help with requests.

Read more about data protection at www.rcn.org.uk/dataprotection

A number of publications are available to help you recruit and retain members:

- application form for nurse member (code 004 004)
- application form for HCA/AP member (code 004 005)
- flyer to promote membership (code 003 984)
- flyer to promote membership to health practitioner members (code 003 987)
- learning and development resources flyer (code 003 927)
- RCN Principles of Nursing postcard (code 003 863)
- accountability and delegation flyer (code 003 942)
- poster and flyer highlighting the differences between the RCN and other unions (codes 004062 and 004063).

To order, email publications@rcn.org.uk with the publication code, quantity required and delivery name and address. Orders are normally processed within two weeks.

Members can telephone the RCN Immigration Advice Service on 0345 408 4391. Members can also self-refer using an online referral form available at www.rcn.org.uk/immigration

Next year’s RCN Scotland activist conference will include sessions on influencing service change, workforce planning tools and innovation in service design.

Speakers include RCN Chief Executive & General Secretary Dr Peter Carter, Alex Neil MSP, Cabinet Secretary for Health and Wellbeing and Shirley Rogers, Deputy Director for Health Workforce and Performance in the Scottish Government.

“I’m looking forward to meeting with activists from across Scotland, many of whom will be facing the same issues as me,” said Stewart Donnelly, a steward from Ayrshire and Arran. “It’s a good way to keep up to date and I hope the discussions will help me shape change and develop influencing skills.”

Influencing today, shaping tomorrow takes place in Glasgow on 26-27 February. For more information email jan.gorman@rcn.org.uk or telephone 0131 662 6160.

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